

CONFORMED COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

XAVIER BECERRA
Attorney General of California
LISA W. CHAO
Supervising Deputy Attorney General
State Bar No. 198536
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6239
Fax: (916) 731-2144
E-mail: Lisa.Chao@doj.ca.gov
*Attorneys for Applicant Insurance Commissioner
of the State of California, in his capacity as
Liquidator of Fremont Indemnity*

*(Fee Exempt Pursuant
to Gov. Code 6103)*

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 27 2019

Sherril R. Carter, Executive Officer/Clerk of Court

By Steven Drew Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
SPRING STREET COURTHOUSE

**INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA,**

Applicant,

v.

**FREMONT INDEMNITY COMPANY, a
California corporation,**

Respondent.

Case No. BS083582

DECLARATION OF COMPLIANCE

Date: December 11, 2019
Time: 9:00 a.m.
Dept: 10
Judge: The Honorable William F.
Highberger

Action Filed: June 4, 2003

1 I, Scott Pearce, declare:

2 1. I am the Senior Estate Trust Officer of the Insurance Commissioner of the State of
3 California's Conservation & Liquidation Office (CLO), and have been employed by the CLO for
4 16 years. I am the employee responsible for managing the affairs of Fremont Indemnity
5 Company (Fremont), which is under the supervision of the Commissioner in his capacity as its
6 liquidator.

7 2. As the Senior Estate Trust Officer, I have primary responsibility for the overall
8 administration of all insolvent insurance companies (referred to as estates), including Fremont,
9 from the time of conservation or liquidation until the court has discharged the Insurance
10 Commissioner of his or her duties as Conservator or Liquidator. I serve as a fiduciary, and in this
11 capacity, I lead and direct a support team consisting of individuals who work in the areas of
12 Accounting, Claims, Reinsurance, Legal, Finance, Information Technology, Human Resources,
13 and Administration. I am also responsible for the management of Fremont's books and records,
14 and I have overall custody and control thereof. This declaration is based on my personal
15 knowledge as well as my review of the books and records of Fremont.

16 3. On August 14, 2019, the Court entered the Order (1) Settling and Approving Final
17 Report and Account of the Liquidator of Fremont Indemnity Company; (2) Authorizing
18 Disbursement of Funds; (3) Approving Payment of Expenses; and (4) Terminating Liquidation
19 Proceeding and Discharging Insurance Commissioner as Liquidator (Order).

20 4. The Order provided that the Liquidator shall be discharged as the liquidator of
21 Fremont upon his filing of a declaration that he distributed the assets of Fremont in accordance
22 with the terms of the Order.

23 5. On September 26, 2019, the Liquidator made distributions totaling \$83.4 million
24 to approved Class 2 claimants;

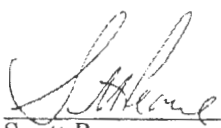
25 6. All amounts distributed by the Liquidator have been negotiated with the exception
26 of two payments totaling \$30,243.42. The Liquidator will wait the six-month period provided for
27 in Code of Civil Procedure section 1517, and thereafter void any non-negotiated checks and
28 escheat all undeliverable amounts and amounts of non-negotiated checks to the Insurance Fund.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. The Liquidator has retained a reserve of \$1,218,666 for payment of administrative closing expenses and costs as provided by the Order.

8. The Liquidator having taken all action necessary pursuant to the terms of the Order, the estate is closed concurrent with the filing of this declaration.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of November, 2019, in San Francisco, CA.



Scott Pearce

LA2003CV0857
53904419.docx

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Insurance Commissioner v. Fremont Indemnity Company**

Case No.: **BS083582**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 27, 2019, I served the attached **DECLARATION OF COMPLIANCE** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 27, 2019, at Los Angeles, California.

C. Adams

Declarant



Signature

SERVICE LIST

Case Name: Insurance Commissioner v. Fremont Indemnity Company
L. A. S. C. Case No.: BS083582

Conrad V. Sison
Locke Lord LLP
300 S. Grand Ave., Suite 2600
Los Angeles, CA 90071

Joseph E. Thomas
Thomas Whitelaw & Tyler LLP
18101 Von Karman Avenue, Suite 230
Irvine, CA 92612

Nicholas Peter Roxborough, Esq.
Roxborough, Pomerance & Nye LLP
5820 Canoga Avenue, Suite 250
Woodland Hills, CA 91367
Fax: 818-992-999

Wayne Wilson, Executive Director
California Insurance Guarantee Association
PO Box 29066
Glendale, CA 91209-9066

Paul Woolls, Esq.
H. Douglas Galt, Esq.
Gregory B. Scher
Woolls & Peer
A Professional Corporation
One Wilshire Boulevard, 22nd Floor
Los Angeles, CA 90017

Russell Hayman, Esq.
G. Jill Basinger, Esq.
McDermont Will & Emry LLP
2049 Century Park East, Suite 3800
Los Angeles, CA 90067-3218

RECEIVED

2019 DEC -2 AM 10:26

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
LOS ANGELES RECEPTION